

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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JUL 29 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Investigation of Special Access ) CC Docket No.85-166  
Tariffs of Local Exchange Carriers ) Phase I  
 )

**JOINT MOTION TO DISMISS**

Pursuant to Section 1.717 of the Commission's Rules, New Valley Corporation (f/k/a Western Union Corporation) (hereinafter "Western Union") and U S West Communications, Inc. (hereinafter "U S West") jointly move for dismissal with prejudice of U S West from the above-captioned matter to the extent described below. In support the parties show as follows:

1. The Federal Communications Commission issued its order in CC Docket No. 85-166, Phase I, on September 5, 1997 ("Western Union Remand Order"), addressing issues remanded by the U.S. Court of Appeals for the District of Columbia in the Investigation of Special Access Tariffs of Local Exchange Carriers, CC Docket No.85-166, Phase I, FCC No. 86-52 (released Jan.24, 1986) reconsideration denied, 1 FCC Rcd 427, remand sub nom. Western Union Corp. v. FCC, 856 F.2d 315 (D.C. Cir. 1988) ("Western Union v. FCC");

2. Representatives of Western Union and U S West have met in order to resolve the matters set forth in the Western Union Remand Order and Western Union v. FCC (collectively "the actions") as they relate to services provided by U S West to Western Union. As a result of these meetings and negotiations, the parties have agreed to a settlement that disposes of all issues and controversies in the actions with respect to services provided by U S West to Western Union.

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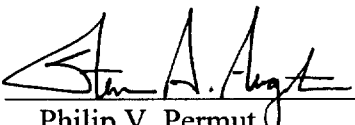
Accordingly, the parties seek dismissal, with prejudice, of U S West with respect to further proceedings concerning the Western Union Remand Order or Western Union v. FCC, including any pending requests for correction or reconsideration by Western Union or any other party. Dismissal of U S West will affect no other party and will serve the public interest as no purpose would be served by the continued participation of U S West in these proceedings.

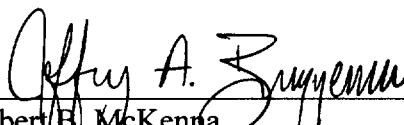
WHEREFORE, for the reasons stated above, Western Union and U S West request that U S West be dismissed with prejudice from further proceedings in the Western Union Remand Order and Western Union v. FCC. A proposed order is submitted herewith in accordance with Section 1.727(c) of the Commission's Rules 47 C.F.R. §1.727(c).

Respectfully submitted,

WESTERN UNION

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Their Attorneys

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In the Matter of	)	
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Investigation of Special Access	)	CC Docket No.85-166
Tariffs of Local Exchange Carriers	)	Phase I
	)	
	)	

**ORDER**

Adopted:

Released:

By the Chief, Competitive Pricing Division:

1. The Federal Communications Commission issued its order in CC Docket No. 85-166, Phase I, on September 5, 1997, ("Western Union Remand Order") addressing issues remanded by the U.S. Court of Appeals for the District of Columbia in the Investigation of Special Access Tariffs of Local Exchange Carriers, CC Docket No.85-166, Phase I, FCC No. 86-52 (Released Jan.24, 1986) reconsideration denied, FCC Rcd 427, Remand sub nom. Western Union Corp. v. FCC, 856 F.2d 315 (D.C. Cir. 1988) ("Western Union v. FCC").

2. On May 14, 1998, U S West Communications, Inc. (hereinafter referred to as "U S West") and New Valley Corporation (f/k/a Western Union Corporation and hereinafter referred to as "Western Union") filed a Joint Motion requesting the Commission issue an order dismissing U S West from further proceedings in the Western Union Remand Order and Western Union v. FCC, including any pending requests for correction or reconsideration by Western Union or any other party ("the Actions"). In support of their motion, the parties state that all claims in the actions

against U S West have been settled with U S West admitting no liability. The parties also state that no purpose would be served by the continuing pendency of this proceeding against U S West.

3. Therefore, IT IS ORDERED, that the motion is GRANTED and U S West is hereby DISMISSED WITH PREJUDICE from further proceedings arising out of the Western Union Remand Order or Western Union v. FCC.

FEDERAL COMMUNICATIONS COMMISSION

Chief, Competitive Pricing Division  
Common Carrier Bureau